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09/706,645	11/06/2000	Dimitri Kanevsky	13808(YOR920000454US1)	8227

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EXAMINER
OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/706,645	KANEVSKY ET AL.
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 September 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-10,12-16 and 18-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-10,12-16,18-21 and 23* is/are rejected.

7)☐ Claim(s) *22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 9/29/2005 for Continued Examination (RCE) under 37 CFR 1.114

based on parent Application No. 09/706,645 is acceptable and a RCE has been

established. An action on the RCE follows.

Response to Amendment

2. Claims 5, 11, and 17 have been cancelled, and Claims 22 and 23 have been added;

therefore, <u>Claims 1-4, 6-10, 12-16, and 18-23</u> are currently pending in application

09/706,645.

Claim Objections

3. <u>Claim 23</u> is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including *all* of the limitations of the base

claim (independent Claim 1) and any intervening claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
> shall not be negatived by the manner in which the invention was made.

5. <u>Claims 1-4, 6-10, 12-16, 18-21, and 23</u> are rejected under 35 U.S.C. 103(a) as being

unpatentable over Brewster et al. (US 5,960,337) in view of Lemelson et al. (US

6,028,514), and further in view of Sutcliffe et al. (US 6,052,122).

6. As per **independent Claims 1, 7, and 13,** Brewster discloses a method (system, program

storage device) of providing help to people, comprising the steps: (a) organizing a

network of people/volunteers (service provider) for helping people, each of the

people/volunteers (EAS responder) having a portable, wireless communications device

(abstract, C5 L25-30, C5 L51-62); (b) establishing a second database identifying a

plurality of volunteers, and for each of the volunteers, identifying at least one specific

emergency (disability) said volunteer (EAS responder – commonly volunteer Firemen or

volunteer EMS) is willing to assist (abstract, C7 L5-14); (c) after the second database is

established at least one person, using one of the wireless communications devices

(mobile phone) to transmit a request for help (abstract); (e) after said one of the

volunteers is identified, notifying said one of the volunteers of the request for help via

one of the wireless communications devices (abstract, C4 L38-67, C5 L25-30, C5 L51-

62, C7 L1-14, C8 L18-41, Claims 15-18); <u>and (f) the matching server</u>

<u>(Electronic/computerized version of EAS operator) providing information to</u> *at least one*

of (i) <u>said one of the volunteers (EAS Responder – commonly volunteer firemen or</u>

<u>EMS), or (ii) the person making the request, to enable said one or the volunteers and the</u>

<u>person making the request to physically find and meet each other</u> (providing EAS

Responder direction to emergency victim, C4 L57-60).

7. Brewster fails to expressly disclose people with "disabilities" (participating subscriber) nor establishing a first database identifying and having information about a plurality of people with disabilities, identifying at least one specific disability said person has.

8. However, Lemelson does disclose a system for helping people with medical problems (disabilities) and establishing a database having information about the people with disabilities, said information identifying for each of the persons with disabilities, at least one specific disability said person has (C7 L40-67, C8 L1-16).

9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include people with "disabilities" (participating subscriber) and establishing a first database identifying and having information about a plurality of people with disabilities, identifying at least one specific disability said person has, as disclosed by Lemelson, in the system disclosed by Brewster for the advantage of offering a method (system, program storage device) of providing help to people with disabilities, with the ability to provide more direct and accurate care to the injured or disabled person, by matching them to a caretaker (volunteer) with the information and skills necessary to most efficiently and effectively help the person in need (Lemelson: C4 L29-49).

10. Brewster and Lemelson fail to expressly disclose using a matching server to use information from the pre-established first and second databases to match the person making the request with at least one of the volunteers, and using the matching server to notify said one of the volunteers of the request for help.

11. However, Brewster disclosed forming a database (second database) of emergency personnel/volunteers (EAS responders) and Lemelson discloses forming a database (first

database) of people with medical problems, and both Brewster and Lemelson disclose maintaining the databases at an emergency control center which coordinates appropriate assistance to problems (Lemelson: (C4 L46-49), Brewster: Claim 1).

12. Furthermore, Sutcliffe discloses using a matching server to use information from the pre-established first and second databases to match the person making the request (user #1) with at least one of the volunteers (user #2) (Abstract, C7 L64-67, C8 L1-18), and using the matching server to notify both user #1 and user #2 of a match (C8 L13-15).

13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included using a matching server to use information from the pre-established first and second databases to match the person making the request (user #1) with at least one of the volunteers (user #2), and using the matching server to notify said one of the volunteers (user #2) of the request for help (a match), as disclosed by Sutcliffe in the system disclosed by Lemelson, in the system disclosed by Brewster, for the advantage of providing a method (system, program storage device) of providing help to people with disabilities, with the ability to increase system effectiveness/efficiency, by allowing the user to integrate and manage information from two separate profile database types and keep users updated on system progress.

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references of Brewster, Lemelson, and Sutcliffe to form one system wherein an emergency operator could match entries from a first (medical information database) and second database (respondent qualifications database) in order to send/notify appropriate personnel to people in need.

15. As per Claims 2, 8, and 14, Brewster, Lemelson, and Sutcliffe disclose wherein step (c)

     includes the step of one of the persons with disabilities using one of the wireless

     communications devices to transmit a request for help to the network; and step (d)

     includes the step of the network identifying said one of the persons with disabilities to

     said one of the volunteers via one of the wireless communications devices.

16. As per Claim 3, 9, and 15, Brewster, Lemelson, and Sutcliffe do not expressly show the

     volunteers providing at least one service selected from the group comprising: i) reading a

     newspaper or other information to a blind person, ii) translating a conversation into sign

     language, and iii) bringing requested items to one of the persons with disabilities.

17. However these differences are only found in the nonfunctional descriptive material and

     are not functionally involved in the steps recited. The method of providing help to people

     with disabilities would be performed regardless of the type of service/help provided.

     Thus, this descriptive material will not distinguish the claimed invention from the prior

     art in terms of patentability, *see In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404

     (Fed. Cir. 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

18. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

     invention was made to have provided the person with a disability a service comprising

     one of the following: i) reading a newspaper or other information to a blind person, ii)

     translating a conversation into sign language, and iii) bringing requested items to one of

     the persons with disabilities, because such data does not functionally relate to the steps in

     the method claimed and because the subjective interpretation of the service does not

     patentably distinguish the claimed invention.

19. As per Claims 4, 10, and 16, Brewster, Lemelson, and Sutcliffe disclose using a global

positioning system to identify the location of said one of the persons with disabilities, and

to identify one or more of the volunteers in the vicinity of said one of the persons with

disabilities.

20. As per Claims 6, 12, and 18, Brewster, Lemelson, and Sutcliffe disclose wherein the

matching step includes the step of: using a matching server to search the people with

disabilities and the volunteers to find a list of candidate volunteers and methods of help;

sending a request to each of the candidate volunteers; interacting with the candidate

volunteers to find a final choice volunteer; and sending a final request to the final choice

volunteer.

21. As per Claim 19, Brewster, Lemelson, and Sutcliffe disclose wherein the step of using

the matching server to identify one of the volunteers includes the step of using the

matching server i) to identify several candidate volunteers (search results), ii) to establish

dialogues between the person requesting help and the candidate volunteers (C3 L15-20,

match data provided to user to establish contact), and iii) on the basis of said dialogues,

selecting one of the candidate volunteers to assist the person requesting help.

22. As per Claim 20, Brewster, Lemelson, and Sutcliffe disclose wherein the matching server

includes a dialogue module, and comprising the further step of using the dialogue module

to establish communications between the volunteer and the person making the request for

help (See rejection of claim 19).

23. As per Claim 21, Brewster, Lemelson, and Sutcliffe fail to expressly disclose wherein the

step of using the matching server to identify one of the volunteers includes the step of

using the matching server to identify volunteers who have already assisted the person

making the request for help.

24. However, Official notice is given that integrating a filter into a database matching process

was well known and used at the time the invention was made.

25. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to have included wherein the step of using the matching server to

identify one of the volunteers includes the step of using the matching server to identify

volunteers who have already assisted the person making the request for help, in the

system disclosed by Sutcliffe, in the system disclosed by Lemelson, in the system

disclosed by Brewster, for the advantage of providing a method (system, program storage

device) of providing help to people with disabilities, with the ability to increase system

effectiveness/efficiency, by allowing the user to filter/manage matching profiles.

26. As per Claim 23, Brewster, Lemelson, and Sutcliffe disclose wherein the person making

the request needs medicine (type of medical assistance, Fig.3B-3D), and the step of

notifying said one of the volunteers includes the step of notifying a second of the

volunteers, and comparing the further step of said one and said second of the volunteers

cooperating in the retrieval and delivery of medicine to the person making the request

(determining best EAS responder, Fig.4).

Allowable Subject Matter

27. **Claim 22** contains allowable subject matter.

28. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of Brewster, Lemelson, and Sutcliffe fail to expressly disclose the

combination of each and every element as disclosed in Claim 22; to include: wherein, the

step of establishing the first database includes the steps of identifying and having

information in the first database about each of said plurality of people with disabilities,

and for each of said people with disabilities, identifying in the first database, I) a

description of the needs of the server, ii) the type of handicap of the person, iii) a history

of prior assistance given to the person, iv) a list of volunteers who have helped the person

in the past, and v) a description of methods of how to help the person; the step of

establishing the second database includes the steps of identifying in the second database

the plurality of volunteers, and for each of said volunteers identifying in the second

database, I) the name of the volunteer, ii) the skills of the volunteer, iii) services that

volunteer can offer, iv) a history of prior help given by the volunteer, and v) a list of

people the volunteer has helped; the person making the request and a group of the

volunteers are on a train; the step of using one of the wireless devices to transmit the

request includes the step of sending a signal through the wireless devices and through a

local cellular provides that sends a signal to a global positioning system that notifies the

person making the request of the location of one of said group of volunteers; the step of

using the matching server to obtain information about the person making the request

includes the step of the matching server retrieving an image of the person making the

request to determine which type of people have already assisted the person making the

request; the step of using the matchmaking server to identify one of the volunteers

includes the step of the matching server making a candidate list with names of volunteers,

ranking of satisfaction of people with disabilities, and ways the volunteers may serve the

people with disabilities; the step of using the matching server to identify one of the

volunteers includes the further steps of i) providing the matching server with a dialogue

module, a comparator and a choose, ii) the matching server establishing dialogues

between the person making the request and the candidate volunteers, said dialogue

including several questions, and iii) after several questions, the dialogue module and the

comparator sending information into the chooser which selects one of the candidate

volunteers to assist the person requesting help; and the method comprises the further step

of: the wireless device of the person making the request sending information to the local

cellular provides that then send a signal to any volunteer on the train the wireless device

of said any volunteer, said one of the volunteers translating a conversation into sign

language, including the steps of I) the person making the request, using said one of the

wireless devices to transmit an audio conversation to said one of the volunteers, ii) said

one of the volunteers translating said audio conversation into sign language, and iii)

visually depicting the sign language of the said one of the volunteers on a screen of the

person making the request.

Response to Arguments

29. Applicant's arguments filed 6/16/05, regarding Claims 1-4, 6-10, 12-16, 18-21, and 23,

have been considered but are not persuasive. The rejection will remain as Non-Final for

Claims 1-4, 6-10, 12-16, 18-21, and 23.

30. The Applicant has made the argument the prior art fails to expressly disclose wherein, (f) the matching server providing information to *at least one of* (i) said one of the volunteers, or (ii) the person making the request, to enable said one or the volunteers and the person making the request to physically find and meet each other.

31. However, Brewster discloses a system wherein the EAS Operator (manual Matching Server) provides the EAS responder with location coordinates of the emergency site (C4 L57-60).

Conclusion

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.

34. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

December 9, 2005

Jonathan Ouellette
Patent Examiner
Technology Center 3600